

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SAMUEL RASHEEN RAYMOND TOLIVER,

Plaintiff,

-v-

9:18-CV-1420
(DNH/ATB)

K. ADNER, Mail Postal Corr. Carrier,

Defendant.

APPEARANCES:

OF COUNSEL:

SAMUEL RASHEEN RAYMOND TOLIVER

Plaintiff pro se

09-B-2037

Gouverneur Correctional Facility

Scotch Settlement Road

P.O. Box 480

Gouverneur, NY 13642

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NICHOLAS LUKE ZAPP, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se plaintiff Samuel Rasheen Raymond Toliver brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 3, 2019, Magistrate Judge Andrew T. Baxter advised by Report-Recommendation that defendant's motion to dismiss be granted and that the action be dismissed in its entirety, with prejudice, for failure to exhaust administrative

remedies. Plaintiff timely filed objections to the Report-Recommendation.


Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion to dismiss is GRANTED;
2. Plaintiff's Complaint is DISMISSED WITH PREJUDICE; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: August 1, 2019
Utica, New York.